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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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| Proceeding | 92045341 |
| Party | Defendant Lidl Stiftung & Co. KG Lidl Stiftung & Co. KG Stiftsbergstra?e 1 DEX D-74167 Neckarsulm, |
| Correspondence Address | Jonathan P. Osha OSHA LIANG LLP 1221 McKinney Street; Suite 2800 Houston, TX 77010 |
| Submission | Answer |
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| Date | 02/21/2006 |
| Attachments | 07522 toujours answer_20060221163317.pdf (5 pages) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Registration No. 2,956,430
Registered On: May 31, 2005

THE PROCTER & GAMBLE COMPANY)
AN OHIO CORPORATION)

v.)

Cancellation No.: 92045341
Registration No.: 2,956,430

LIDL STIFTUNG & CO. KG)
A CORPORATION OF THE)
FEDERAL REPUBLIC OF)
GERMANY)

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

APPLICANT'S ANSWER TO PETITION TO CANCEL

Sir or Madam:

Registrant hereby submits its Answer to the Petition to Cancel, as follows:

1. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 1 and on that basis denies the allegations of Paragraph 1.
2. Registrant admits the allegations of paragraph 2, except that Petitioner has misstated the literal element of Registrant's mark as TOUJORS.

3. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 3 and on that basis denies the allegations of Paragraph 3.
4. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 4 and on that basis denies the allegations of Paragraph 4.
5. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 5 and on that basis denies the allegations of Paragraph 5.
6. Registrant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 6 and on that basis denies the allegations of Paragraph 6.
7. Registrant denies the allegations of Paragraph 7.
8. Registrant asserts that the English translation of "TOUJOURS" depends on the dictionary used and that one of the many translations of "TOUJOURS" into English could be "always" but denies all other allegations of Paragraph 8.
9. Registrant denies the allegations of Paragraph 9.
10. Registrant denies the allegations of Paragraph 10.
11. Registrant denies the allegations of Paragraph 11.
12. Registrant denies the allegations of Paragraph 12.
13. Registrant admits that it had prior knowledge that Petitioner used the term "always" but denies all other allegations of Paragraph 13.

14. Registrant denies the allegations of Paragraph 14.
15. Registrant denies the allegations of Paragraph 15.
16. Registrant denies the allegations of Paragraph 16.
17. Registrant denies the allegations of Paragraph 17.
18. Registrant denies any assertions of likelihood of confusion and lacks sufficient knowledge or information to form a belief as to the truth of any other allegations of Paragraph 18 and on that basis denies all of the allegations of Paragraph 18.

AFFIRMATIVE DEFENSES

Registrant asserts the following affirmative defenses:


There is no likelihood of confusion, mistake or deception because, *inter alia*, Registrant's mark is not confusingly similar to Petitioner's mark. In addition to the literal elements of the mark being completely different in sound, appearance, and commercial impression, Registrant's mark also contains a fanciful design thereby eliminating any chance of likelihood of confusion. Many of the goods of the parties also differ.

Petitioner has acquiesced to Registrant's use of Registrant's mark based on a letter from an affiliate of Petitioner which granted Registrant permission to use a related mark owned by Registrant and Registrant detrimentally relied on such grant of permission.

Petitioner is estopped from asserting a cancellation proceeding against Registrant's mark TOUJOURS and design based on several rulings in other jurisdictions holding that there is no likelihood of confusion between Registrant's mark and Petitioner's mark.

WHEREFORE, Applicant prays that Petitioner's Petition to Cancel be dismissed and that U.S. Registration No. 2,956,430 owned by Registrant remain registered with the United States Patent and Trademark Office.

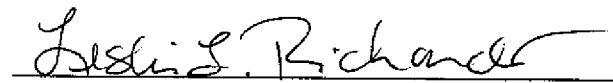
Respectfully Submitted,



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CERTIFICATE OF SERVICE

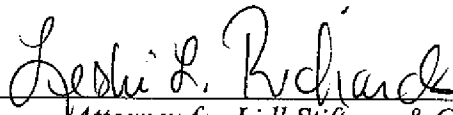
The undersigned hereby certifies that a true and correct copy of the foregoing Answer to the Petition to Cancel has been electronically served on the Petitioner's counsel, Lynda E. Roesch, Dinsmore & Shohl LLP, 1900 Chemed Center 255 East Fifth Street, Cincinnati, OH 45202 at lynda.roesch@dinslaw.com, on this 21st day of February, 2006.



Attorney for Lidl Stiftung & Co. KG

CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being transmitted by electronic mail via ESTTA to the United States Patent and Trademark Office on this 21st day of February, 2006.



Attorney for Lidl Stiftung & Co. KG